

GALLIAN WELKER & ASSOCIATES, L.C.  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BMG RIGHTS MANAGEMENT (US) LLC  
d/b/a BMG MONARCH, 'TIL TUNES  
ASSOCIATES, and UNIVERSAL MUSIC-  
MGB NA LLC d/b/a UNIVERSAL MUSIC-  
MGB SONGS,

Plaintiffs,

v.

THE FREMONT COUNTRY CLUB, LLC;  
PERLUNDIS, LLC; AVA BERMAN; and  
CARLOS ADLEY,

Defendants.

Case No.: 2:23-cv-00241-JAD-NJK

**ORDER  
TO EXTEND TIME FOR  
DEFENDANTS TO FILE A  
RESPONSIVE PLEADING TO  
PLAINTIFFS' COMPLAINT**

**(Third Request)**

Pursuant to Fed. R. Civ. P. Rule 6(b)(1)(A-B) and Local Rules LR IA 6-1 and LR 7-1, Plaintiffs BMG RIGHTS MANAGEMENT (US) LLC d/b/a BMG MONARCH; 'TIL TUNES ASSOCIATES; and UNIVERSAL MUSIC-MGB NA LLC d/b/a UNIVERSAL MUSIC-MGB SONGS (collectively, "Plaintiffs"), by and through the law offices of SNELL & WILMER L.L.P., and Defendants THE FREMONT COUNTRY CLUB, LLC; PERLUNDIS, LLC; AVA BERMAN; and CARLOS ADLEY (collectively, "Defendants"), by and through the law offices of GALLIAN WELKER & ASSOCIATES, L.C., hereby stipulate and agree to extend the time for Defendants to file an answer or other responsive pleading to Plaintiffs' Complaint [ECF No. 1] up to and including Friday, July 7, 2023. This is the third request to extend the responsive

pleading deadline, and good cause exists for granting this extension, as the parties continue to be engaged in productive and good faith efforts to secure a negotiated resolution of the instant matter. Progress is being made, and the parties remain optimistic that a resolution may be reached.

## **I. PROCEDURAL HISTORY**

1. On February 15, 2023, Plaintiffs filed their Complaint [ECF No. 1].
2. On or about February 16 - 18, 2023, service was effected upon the respective Defendants, proof of which service was filed with the Court on February 24, 2023 [ECF Nos. 6 - 9].
3. On April 14, 2023, Plaintiffs filed their Request for Entry of Clerk's Default Against Defendants Fremont Country Club, LLC, Perlundis, LLC, Ava Berman, and Carlos Adley (the "Request") [ECF No. 10].
4. On April 27, 2023, the parties stipulated to dismiss the Request for Entry of Clerk's Default and to make a first request to extend the time for Defendants to file a responsive pleading [ECF No. 14], which the Court ordered on April 28, 2023 [ECF No. 15].
5. On May 26, 2023, the parties stipulated to a second extension of time for Defendants to file a responsive pleading [ECF No. 16], which the Court ordered on May 30, 2023 [ECF No. 17].
6. The current responsive pleading deadline is Monday, June 12, 2023.
7. The parties hereby submit this third stipulation for extension of time.

## **II. LEGAL STANDARD**

LR IA 6-1 requires that a motion to extend time must state the reasons for the extension requested and will not be granted if requested after the expiration of the specified period unless the movant demonstrates that the failure to file the motion before the deadline expired resulted because of excusable neglect. Fed. R. Civ. P. Rule 6(b)(1) governs extensions of time and allows, in relevant part, that "[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect."

An extension of time may always be sought and is usually granted on a showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8 F.R.D. 268

(N.D. Ohio 1947). Also, a district court possesses the inherent power to control its own docket. *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Olivia v. Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992).

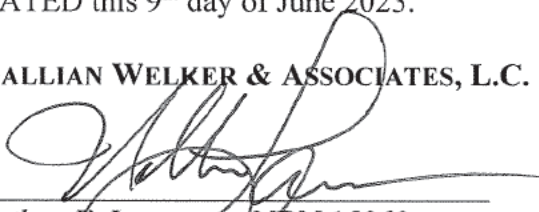
### III. ARGUMENT

As noted above, this is the third request for an extension of time for the responsive pleading. Counsel for the respective parties remain in regular and ongoing communication regarding the subject matter of the dispute and are endeavoring to negotiate an amicable settlement to avoid any necessity for furtherance of the instant litigation. This continuing good faith effort to resolve without litigation constitutes good cause for granting this request for extension of time up to and including July 7, 2023, for Defendants to file a responsive pleading.

#### IT IS SO STIPULATED.

DATED this 9<sup>th</sup> day of June 2023.

**GALLIAN WELKER & ASSOCIATES, L.C.**

  
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DATED this 9<sup>th</sup> day of June 2023.

**SNELL & WILMER L.L.P.**

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#### IT IS SO ORDERED.

DATED: June 12, 2023

  
 UNITED STATES MAGISTRATE JUDGE